

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY MAY 16, 2005 AT 7:00 P.M. VILLAGE HALL, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Dennis P. Flood, Mayor
Richard J. Livingston, Trustee
Jonathan A. Siegel, Trustee
David A. Klassen, Trustee
Nicola S. Coddington, Trustee
Donald P. Marra, Village Administrator
Lawrence S. Schopfer, Clerk-Treasurer
Lino J. Sciarretta, Village Attorney's Office
Michael P. Cerone, Police Lieutenant
Gregory R. Nilsson, Superintendent of Public Works

The Board held a work session from 7:00 p.m. until 7:30 p.m. At 7:30 p.m., Mayor Flood called the meeting to order. Trustee Livingston made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Siegel and unanimously approved.

Upon reconvening after executive session, the regular meeting was called to order by Mayor Flood who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Flood opened the floor to public comment on matters not contained on the agenda of the regular meeting. Robert Massie requested that Mayor Flood step down and asked each Trustee to respond to this request. Trustees Siegel, Klassen and Coddington responded. Mayor Flood indicated that the legal process is taking too long. Members of the audience, including Bob Philipson, Erin Malloy, Bob Wilson, Jill Rembar, Rhonda Billings, Anthony Ficalora, Dave Walsh and Barbara Denyer, expressed their opinions about whether Mayor Flood should resign.

Trustee Klassen made a motion to adopt the minutes of the regular meeting of the Board of Trustees held May 2, 2005. Trustee Siegel seconded the motion and it was unanimously approved.

Mayor Flood read correspondence from Ruth Neuwirth, Chet Morton, and a petition, all regarding the election. A copy of each piece of correspondence is attached hereto as a part of these minutes.

Mayor Flood appointed Trustee Livingston as Deputy Mayor.

RESOLUTION 2005-48

RESOLUTION AUTHORIZING THE VILLAGE OF IRVINGTON TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR THE PURPOSE OF UNDERTAKING A COMMUNITY DEVELOPMENT PROGRAM

Trustee Klassen offered the following resolution, which was seconded by Trustee Livingston and adopted:

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974 as amended, and Title II of the National Affordable Housing Act of 1990, as amended, to make grants to states and other units of general local government to help finance Community Development Programs; and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more municipal corporations, to apply for, accept and expend funds made available by the federal government, either directly or through the State, pursuant to the provisions of any Federal law which is not inconsistent with the statutes or constitution of this State, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, the Community Development Act of 1974 as amended, Title II of the National Affordable Housing Act of 1990, as amended, and any "Eligible Activities" thereunder are not inconsistent with the statutes or Constitution of the State; and

WHEREAS, a number of municipalities have requested Westchester's participation, and the County of Westchester has determined that it is desirable and in the public interest that it make application for Community Development Block Grant funds and HOME funds as an Urban County; and

WHEREAS, participation by the County of Westchester as an Urban County in the Community Development Program requires that the Village of Irvington and the County of Westchester cooperate in undertaking, or assisting in undertaking, essential community development and housing activities, specifically those activities authorized by statutes enacted pursuant to Article 18 of the New York State Constitution.

WHEREAS, this Board deems it to be in the public interest for the Village of Irvington to enter into a Cooperation Agreement with the County of Westchester for the aforesaid purposes.

NOW, THEREFORE, BE IT

RESOLVED, that Donald P. Marra, Village Administrator be and hereby is authorized to execute a Cooperation Agreement between the Village of Irvington and the County of Westchester for the purposes of undertaking a Community Development Program pursuant to the Housing and Community development Act of 1974 as amended and Title II of the National Affordable Housing Act of 1990, as amended.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

RESOLUTION 2005-49

APPOINTMENT OF SEASONAL EMPLOYEES IN THE DEPARTMENT OF PUBLIC WORKS

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, to appoint the following seasonal employees in the Department of Public Works subject to an appropriate background check:

Page 3 - Minutes of May 16, 2005 Village Board Meeting

<u>Name</u>	<u>Title</u>	<u>Hourly Rate</u>
Andrew Lamberti	Laborer P/T	\$8.50/hr.
Tim Gilroy	Laborer P/T	\$8.00/hr.
Matthew Anzano	Laborer P/T	\$7.00/hr.
Nicholas Russo	Laborer P/T	\$7.00/hr.
Robert Milano	Laborer P/T	\$7.00/hr.
Robert Schweigert	Laborer P/T	\$7.00/hr.
Marc Skehan	Laborer P/T	\$7.00/hr.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

Mayor Flood noted that copies of the Village of Irvington's 2005 Annual Stormwater Management Program Report were made available to those in attendance. He provided an overview of the stormwater management program. Village Administrator Donald Marra reviewed the annual report in more detail. The floor was opened to any comments. Bob Philipson questioned the applicability of the stormwater regulations to pesticide application. Rhonda Billings asked whether items being flushed down home sewer drains were covered by the regulations. Trustee Coddington indicated the significance of these regulations since the Village's stormwater system generally empties into the Hudson River. She also discussed the public education aspects of the regulations. There were no further comments from those in attendance.

RESOLUTION 2005-50

APPOINTMENT OF A RECREATION ASSISTANT IN THE PARKS & RECREATION DEPARTMENT

Trustee Livingston offered the following resolution, which was seconded by Trustee Klassen and adopted:

RESOLVED, to appoint Peter Warnke as Recreation Assistant at an annual salary of \$34,000 effective May 17, 2005.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

RESOLUTION 2005-51

APPROVAL OF 2004/05 BUDGET TRANSFERS

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, to approve the following 2004-05 budget transfers:

Entry 2005-23

Page 4 - Minutes of May 16, 2005 Village Board Meeting

Parks Department

From:	Equipment	7140-200	\$10,546
	Electric	7140-455	\$4,884
	Contingency	1990-465	\$10,723
To:	Payroll (F/T)	7140-100	\$13,405
	Labor (P/T)	7140-123	\$12,748

(Parks Department budget transfers)

Entry 2005-24

Recreation

From:	Equipment	7310-200	\$8,915
	Contingency	1990-465	\$169,006
To:	Labor (P/T)	7310-123	\$16,758
	Publicity & printing	7310-434	\$6,594
	Travel & education	7310-435	\$1,424
	Electric	7310-455	\$7,504
	Special events	7310-458	\$9,321
	Maintenance	7310-469	\$7,077
	Senior citizens	7310-478	\$20,431
	Teenscape	7310-486	\$17,365
	Youth baseball	7310-488	\$14,440
	Adult softball	7310-489	\$8,500
	Youth programs	7310-498	\$40,924
	Adult programs	7310-499	\$27,583

(Recreation Department adjustments)

Entry 2005-25

Revenues

Increase:	Interest & Penalties on Taxes	1-1-1090	\$18,000
	Sales tax	1-1-1120	\$30,000
	Utilities tax	1-1-1130	\$5,000
	Town Hall Theater	1-1-2071	\$22,000
	Mortgage tax	1-1-3005	\$50,000
Increase:	Contingency	1990-465	\$125,000

(Increase in revenues for high collections that anticipated)

Entry 2005-26

Gasoline

From:	Contingency	1990-465	\$35,000
To:	Central Garage - gasoline	1964-460	\$35,000

Entry 2005-27

Page 5 - Minutes of May 16, 2005 Village Board Meeting

Snow Removal

From:	Contingency	1990-465	\$71,410
To:	Overtime	5142-101	\$38,119
	Equipment	5142-200	\$453
	Supplies	5142-410	\$28,681
	Repairs to equipment	5142-456	\$4,157

Entry 2005-28

Planning Board expense reimbursement

Increase:	PB Reimbursement revenue	1-1-2116	\$24,000
	Planning Bd. fees	1-1-2115	19,000
Increase:	Professional fees	8020-437	\$43,000

(To account for professional fees paid to consultants on behalf of Planning Board applicants)

Entry 2005-29

Insurance

From:	Town Hall utilities	1620-455	5,000
	Police vehicle maintenance	3120-473	4,000
	Recycling rental of equipment	8189-0439	24,000
To:	Insurance	1910-454	\$33,000

(To account for higher insurance premiums than anticipated in during last year's renewal along with costs associated with the employee manual and deductible payments on claims)

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

RESOLUTION 2005-52

ACCEPTANCE OF A DONATION OFFERED TO THE VILLAGE OF IRVINGTON FOR THE COMPOST PROGRAM

Trustee Klassen offered the following resolution, which was seconded by Trustee Siegel and adopted:

WHEREAS, Glenn and Lori Kaufman have offered a donation of \$500 to the Village of Irvington, and

WHEREAS, the donation designates that the funds be used for the support of the compost program, now therefore be it

RESOLVED, to accept the donation in the amount of \$500 and the designation that the funds be used for the compost program.

Page 6 - Minutes of May 16, 2005 Village Board Meeting

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)

NAYS: NONE

RESOLUTION 2005-53

AUTHORIZATION TO INCLUDE CERTAIN UNPAID WATER RENTS AND PENALTIES IN THE 2004/05 ANNUAL TAX LEVY

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

WHEREAS, certain customer accounts of the Irvington Water Department currently have unpaid water rents and penalties, and

WHEREAS, Village Law §11-1118 provides for the inclusion of unpaid water rents and penalties in the annual tax levy, now therefore be it

RESOLVED, to authorize the Village Clerk-Treasurer to include the following unpaid water rents and penalties on the 2005/06 annual tax levy totaling \$6,032.06:

<u>Name</u>	<u>Address</u>	<u>Account</u>	<u>Amount</u>
Nevin Broderick	84 Main St	41-0010084-1	177.52
Charles Merrill	9 South Ferris St	41-0060009-1	110.38
Joseph Napolitano, Sr.	22 South Ferris St	41-0060022-1	269.83
Farman / Gordon Family	30 Station Rd	41-0130030-1	44.15
Nicholas/Heidi Leone	9 Dows Lane	41-0220040-1	53.97
Lambros Bros. Realty Inc.	1 North Broadway	42-0340020-1	93.22
Charles Monaco	41 North Broadway	42-0340041-1	157.39
Leslie Nichols	19 North Ferris St	42-0410019-1	274.74
Frederick Nicodemus Et. Al	24 North Eckar St	42-0420024-1	85.85
Laureen Paul	20 Riverview Rd	42-0480024-1	289.45
Kevin Lundeen	24 Riverview Rd	42-0480052-1	83.40
Kevin Lundeen	24 Riverview Rd	42-0480054-1	220.77
John Dawson	76 Hudson Ave	42-0570076-1	88.31
David Kapiloff	129 Rutter Dubois Ln	42-1260129-1	794.78
John Leone	32 Erie St	43-0670032-1	589.52
Joseph Denardo	7 Roland Rd	43-0680024-1	63.82
Neil/Linda McCarthy	54 Butterwood Ln West	43-0730054-1	63.78
Robert Callahan	56 Butterwood Ln West	43-0730056-1	210.73
Gary/Michele Lippin	91 Harriman Rd	43-0800091-1	188.44
Arnold Gunther	16 Lewis Rd	43-0880236-1	277.41
Jeannette Corrigan	7 Cyrus Field Rd	43-0890178-1	1,782.88
Doris Morin	30 Hillside Terr	43-0920060-1	93.21
Elsie Pelosi	112 Sycamore Ln	43-0980112-1	<u>18.51</u>
			<u>6,032.06</u>

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)

NAYS: NONE

RESOLUTION 2005-54

AUTHORIZATION TO CLOSE CERTAIN CAPITAL PROJECTS

Trustee Coddington offered the following resolution, which was seconded by Trustee Livingston and adopted:

WHEREAS, the Village has undertaken certain capital projects which have been completed, and

WHEREAS, in some cases there are unexpended funds attributable to those completed capital projects that must be used to offset the related debt service, now therefore be it

RESOLVED, to close the following list capital projects and to authorize the transfer of unexpended funds to the Debt Service Fund to offset future debt service costs:

Project	<u>Account</u>	Unexpended <u>Amount</u>
Sport utility vehicle	6-1230-200-114	\$ 962.60
Fuel tank liner installation - DPW	6-1640-469-64	60.00
Certiorari settlements	6-1964-462-118	0.00
Police car - 2003	6-3120-200-99	4,735.95
Police cars - 2004	6-3120-200-113	3,985.00
Communications upgrade	6-3410-200-94	87.67
Fire house apron reconstruction	6-3410-469-95	5,635.51
Fire house exit stair reconstruction	6-3410-469-96	500.00
High school road traffic light	6-5010-200-53	26,537.31
Shoring equipment	6-5010-200-90	873.69
Tire balancer	6-5010-200-92	0.00
Utility body truck	6-5010-200-93	1,515.00
Track loader	6-5010-200-111	3,713.97
Dump truck 2004	6-5010-200-128	415.00
Sidewalk tractor	6-5010-200-129	1,017.00
Sidewalk repairs 2003	6-5010-469-91	500.00
Salt spreader	6-5142-200-132	1,590.00
Matthiessen Park pathway resurfacing	6-7140-469-35	1,198.75
Tennis court reconstruction	6-7140-469-103	10,087.16
Recycling truck	6-8189-200-68	0.00
Theater seating replacement	6-8989-469-45	6,110.56
State retirement costs 2004	6-9010-801-117	<u>0.00</u>
		<u>\$ 69,525.17</u>

The vote resulted as follows:

Page 8 - Minutes of May 16, 2005 Village Board Meeting

AYES: 5 (Mayor Flood, Trustees Livingston, Siegel, Klassen, Coddington)
NAYS: NONE

Mayor Flood made the following Trustee liaison assignments:

Trustee Livingston: Fire Department, Insurance, Board of Architectural Review, Senior Citizens.

Trustee Siegel: Library, School, Open Space / Land Use.

Trustee Klassen: Building Inspector, Recreation, Beautification Committee.

Trustee Coddington: Department of Public Works, Theater, Water/Sewer Department.

Trustee Klassen reported on Agnes Sinko's retirement. He also discussed ongoing lead and copper sampling and a sewer repair undertaken by the Water/Sewer Department in Memorial Park. He discussed the Tiffany Room Committee's expectation that fundraising will begin in the Fall. Trustee Klassen discussed the activities of the Recreation Master Plan Committee.

Trustee Siegel reported on the activities of the Department of Public Works including water repairs on Castle Road, pothole repairs throughout the Village, and assistance provided for the Town Hall renovation project.

Trustee Livingston reported on the upcoming trips and activities for the Senior Citizens, including their summer picnics. He also announced that participants in certain classes will be charged a nominal fee and that a bingo referee is needed. Trustee Livingston reported on the recent Board of Architectural Review meeting. He also commended the Fire Department on their recent successful block party.

Village Administrator Donald Marra reported on his completion of the Pace Land Use Training program. He also announced that a public meeting would be held on June 6th at 7:00 p.m. in the Irvington Public Library for a presentation to be given by Bridge Street Properties regarding a waterfront development proposal.

Jill Rembar thanked the Village for their assistance in taping the recent School Board candidates' debate.

Mr. Marra announced that public hearings would be held on June 20th for zoning change amendments relating to floor area ratio and height.

Earl Ferguson had questions about the proposed zoning change amendments. Discussion ensued about the upcoming public hearings.

Trustee Coddington indicated that the inactivity of the Community Advisory Board was due to the actions of the leaders of the Community Advisory Board.

There being no further business, the regular meeting was adjourned.

The Board held a worksession following the regular meeting.

Lawrence S. Schopfer, Clerk-Treasurer